

IN THE COURT OF COMMON PLEAS, TRUMBULL COUNTY, WARREN, OHIO

S U M M O N S

Rule 4 1995 Ohio Rules of Civil Procedure

2015 CV 00370

MICHAEL J McNAMARA
4771 EAST WEBB ROAD
YOUNGSTOWN OH 44515

Plaintiff(s)

VS.

GENERAL MOTORS CORPORATION
STATUTORY AGENT
300 RENAISSANCE CENTER
DETROIT MI 48265

Defendant(s)

IF APPLICABLE, SEE COMPLAINT FOR ADDITIONAL DEFENDANTS

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED THAT A COMPLAINT (A COPY OF WHICH IS HERETO ATTACHED AND MADE A PART HEREOF) HAS BEEN FILED AGAINST YOU IN THIS COURT BY THE PLAINTIFF(S) NAMED HEREIN:

YOU ARE REQUIRED TO SERVE UPON THE PLAINTIFF(S) ATTORNEY, OR UPON THE PLAINTIFF(S) IF THEY HAVE NO ATTORNEY OF RECORD, A COPY OF YOUR ANSWER TO THE COMPLAINT **WITHIN TWENTY-EIGHT (28) DAYS AFTER SERVICE OF THIS SUMMONS UPON YOU**, EXCLUSIVE OF THE DAY OF SERVICE. SAID ANSWER MUST BE FILED WITH THIS COURT WITHIN THREE DAYS AFTER SERVICE ON PLAINTIFF'S ATTORNEY.

THE NAME AND ADDRESS OF THE PLAINTIFF(S) ATTORNEY IS AS FOLLOWS:

RAYMOND J. MASEK
183 WEST MARKET STREET
SUITE 300
WARREN, OH 44481

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

KAREN INFANTE ALLEN
CLERK OF COURTS

BY: CYNTHIA BEALE
Deputy Clerk

Date: February 24, 2015

**FYI: IF THIS ACTION IS A CIVIL FORECLOSURE ACTION - PLEASE REFERENCE THE "SAVE THE DREAM" INFORMATIONAL PAGES AS FOUND ON THE CLERK'S WEBSITE AT:
clerk.co.trumbull.oh.us/civil.htm

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

MICHAEL J. McNAMARA
4771 East Webb Road
Youngstown, OH 44515

) CASE NO: 2015 CV 370

Plaintiff)

JUDGE:

W WYATT MCKAY
(Other Torts)

v.)

Jury Demand Endorsed
Hereon

GENERAL MOTORS CORPORATION
Statutory Agent
300 Renaissance Center
Detroit, MI 48265

Defendant)

KAREN INFANTE ALLEN
CLERK OF COURTS
TRUMBULL COUNTY

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For his Complaint in this matter, Plaintiff Michael J. McNamara states as follows:

FACTS

1. Plaintiff Michael J. McNamara ("McNamara" or "Plaintiff") is a resident of the State of Ohio and County of Mahoning and submits himself to the jurisdiction of this Court.
2. Defendant General Motors Corporation ("General Motors" or "Defendant") transacts business in the State of Ohio and County of Trumbull and maintains a principal facility in said State and County out of which this cause of action occurs.
3. Mr. McNamara is current aged forty-eight (48) years and has labored for General Motors in skilled trades/production positions for a period in excess of ten (10) years. He is currently employed at the Lordstown Plant of General Motors.
4. Mr. McNamara has performed his assigned duties in a manner satisfactory to General Motors.

5. Mr. McNamara suffers from diagnosis of 309.28 Adjustment Disorder with Mixed Anxiety and Depressed Mood as known to General Motors.
6. Mr. McNamara is disabled further to emotional disorders diagnosed.
7. Attempts to discuss workplace stressors further to letter dated October 22, 2014 by the undersigned to the Labor Relations Manager of General Motors Lordstown met without success.
8. General Motors has repeatedly referred Mr. McNamara to psychological counseling as a condition of employment.
9. Such psychological counseling is deemed as a “medical examination” under applicable provisions of the Americans with Disabilities Act as incorporated in O.R.C. Chapter 4112.
10. General Motors is specifically prohibited from requiring such medical examinations absent a showing that such absences are “job related and consistent with business necessity”.
11. General Motors has instead allowed Mr. McNamara to be bullied with rubber bands continually being shot at him by plant personnel without supervisory action taken.
12. Mr. McNamara has further been told by General Motors wrongfully and unlawfully words to the effect “to come back with medications” and “I want you to see a psychiatrist before”.
13. The acts as taken of General Motors were with no showing of their being job related and consistent with business necessity.
14. As a direct and proximate result of the foregoing, Plaintiff Mr. McNamara has been made to suffer a loss of wages and benefits, emotional distress, humiliation, and a sense of outrage all of which are expected to continue into the future.

CAUSES OF ACTION

15. Plaintiff incorporates by reference the previous allegations of the Complaint.
16. General Motors discriminated against Mr. McNamara on the basis of his disability;
17. General Motors harassed Mr. McNamara on the basis of his disability;
18. General Motors retaliated against Mr. McNamara on the basis of his disability.

WHEREFORE, Plaintiff Michael J. McNamara prays for the following damages from defendant
General Motors Corporation:

- a) Compensatory damages in excess of Twenty-Five thousand (\$25,000.00)
dollars for loss of wages and benefits, emotional distress, humiliation and a sense of
outrage all of which are expected to continue into the future;
- b) Punitive damages in an amount sufficient to punish and prevent such future
untoward acts;
- c) Costs of this action;
- d) Such future relief that the Court deems appropriate.

Respectfully submitted,


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KAREN INFANTE ALLEN

Trumbull County Clerk of Courts
161 High Street
Warren, Ohio 44481



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